

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

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Nooksack Post Office,  
Nooksack, Washington 98276 )  
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Docket No. A2011-17

ANSWER OF THE PUBLIC REPRESENTATIVE  
IN SUPPORT OF PETITIONER'S MOTION TO EXTEND  
DEADLINE FOR FILING INITIAL BRIEF

(June 15, 2011)

By motion dated June 10, 2011, Petitioner, the City of Nooksack, seeks an extension of the deadline for filing a Form 61 or an Initial Brief.<sup>1</sup> Pursuant to rule 21 of the Commission's rules of practice, the Public Representative hereby files its Answer in support of Petitioner's Motion.

In the Order establishing procedures in this proceeding, the Commission established June 20, 2011, as the deadline for the filing by Petitioner of either a Form 61 or an initial brief.<sup>2</sup> That deadline is 20 days following the May 31, 2011 deadline for the Postal Service's filing of the administrative record. *Id.*

In its Motion, Petitioner points out that the Postal Service did not file the administrative record by May 31, 2011. Motion at 2. To date, the administrative record

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<sup>1</sup> Motion of the Petitioner, City of Nooksack, for Late Acceptance of the Petitioner's Form 61 or Initial Brief in Support of the Petition, June 10, 2011 (Motion). Although dated June 10, 2011, Petitioner's Motion was not docketed until June 13, 2011. While Petitioner's Motion is couched in terms of a request for late acceptance, the deadline for filing Petitioner's Form 61 or initial brief has not yet arrived. Accordingly, the Public Representative interprets Petitioner's request as a request for an extension of the June 20, 2011 deadline.

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, May 19, 2011, at 6.

still has not been filed.<sup>3</sup> In support of its request, Petitioner asserts that it is "precluded from filing its Initial Brief... to the extent that the Petitioner has no administrative record upon which to argue its appeal." *Id.* The Public Representative agrees that simple fairness requires that the Petitioner be afforded the opportunity to review the administrative record before being required to file either a Form 61 or an initial brief. Moreover, should the Motion be granted, each remaining procedural date (except the deadline for final Commission action) should be extended by a comparable amount to insure an orderly development of the record.

WHEREFORE, the Public Representative supports the extension of the deadline requested by Petitioner in its Motion.

Respectfully Submitted,

/s/ Richard A. Oliver

Richard A. Oliver  
Public Representative

901 New York Avenue, N.W.  
Suite 200  
Washington, DC 20268-0001  
(202) 789-6878; Fax (202) 789-6891  
e-mail: [richard.oliver@prc.gov](mailto:richard.oliver@prc.gov)

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<sup>3</sup> The Public Representative would note that earlier today Petitioner filed a motion to compel the Postal Service to file the administrative record. Motion of the Petitioner, City of Nooksack, to Compel Administrative Record, June 15, 2011.